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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,080	10/21/2003	Ching-Hui Chi	2001064	4884

7590 08/27/2004

PRO-TECHTOR INTERNATIONAL SERVICES
20775 Norada Court
Saratoga, CA 95070-3018

EXAMINER

D ADAMO, STEPHEN D

ART UNIT PAPER NUMBER

3636

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,080

Applicant(s)

CHI, CHING-HUI

Examiner

Stephen D'Adamo

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: foot-raising mechanism. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Art Unit: 3636

On page 7, line 10, the applicant discloses, “wherein the angle is greater than 0 degrees and 180 degrees.” However, as understood from the claims and drawings, the angle is greater than 0 degrees but *less than* 180 degrees. Clarification is required.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 8 recite the first and second supporting members are screws. However, there is no disclosure in the specification of the supporting members being screws.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(B) as being anticipated by Boycott et al. (5,671,974).

Boycott discloses a “furniture coupling system and method” comprising a pair of first supporting members 33 installed on both sides of the chair back, a pair of second supporting members 34 installed below the first supporting members on the chair back

and a pair of supporting plates 20, which engage the first and second supporting members. Furthermore, the first and second members 33 and 34 are disclosed as “screw-pins” (col.3, lines 37-38).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

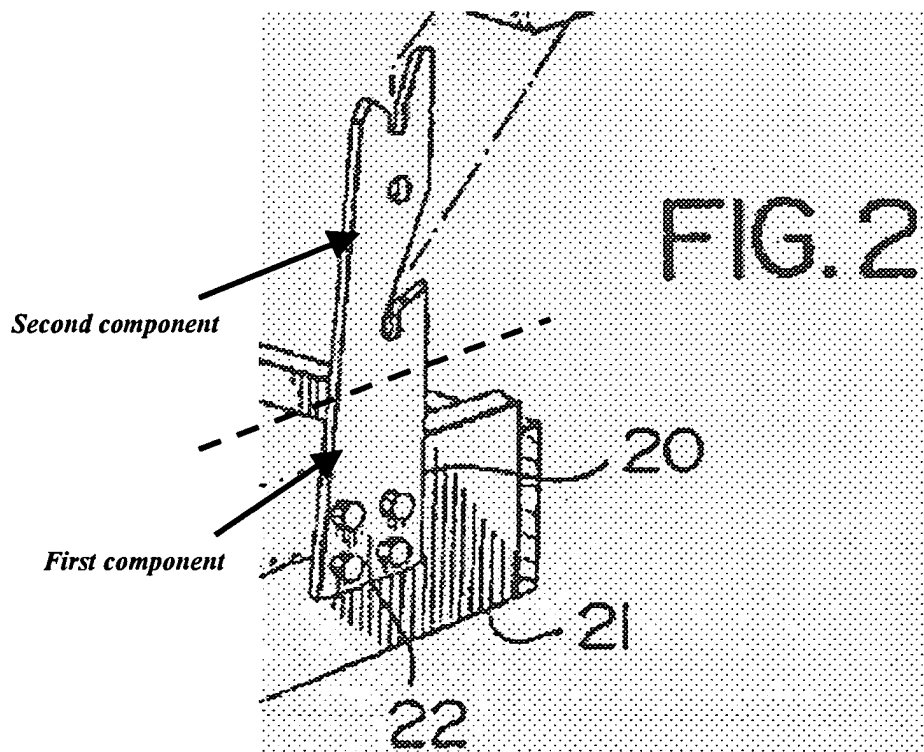
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boycott et al. (5,671,974) in view of Crum (5,135,284).

Boycott discloses a “furniture coupling system and method” comprising a pair of first supporting members 33 installed on both sides of the chair back, a pair of second supporting members 34 installed below the first supporting members on the chair back and a pair of supporting plates 20, which engage the first and second supporting members. Boycott’s supporting plates 20 can be divided into two components, as seen below. The first component includes at least one locking hole 22 for being fixed to the chair base 21. The second component includes a first concave portion cooperating with the first supporting member 33 and a second concave portion cooperating with the second supporting member 34. The first concave portion is located at an end opposite to the connection between the first and second component. The second component is located opposite to the first side. Furthermore, the second component includes a second locking hole 44 “for attaching the back 31 to the base 21 of the seating furniture” (col.3, lines 40-

Art Unit: 3636

41). However, Boycott fails to expressly disclose an angle between the first sides of the first and second components as being greater than 0 degree and less than 180 degrees. Yet, Crum teaches of such a design. Crum discloses a mounting bracket 20 having a lower portion 30 “for attaching the mounting bracket 20 to the base 5” and an upstanding link portion 33, “which is tapered toward its upper end” (col.3, lines 30-35). The figures disclose the “tapering” to be greater than 0 degrees and less than 180 degrees between the two components 30 and 33. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the first component of Boycott with a wider first component, as taught by Crum, for dispersing the load of the attachment of the plate therefore providing a stronger securement.



Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boycott et al. (5,671,974) in view of May (5,704,686).

Boycott discloses a “furniture coupling system and method” comprising a pair of first supporting members 33 installed on both sides of the chair back, a pair of second supporting members 34 installed below the first supporting members on the chair back and a pair of supporting plates 20, which engage the first and second supporting members. However, Boycott fails to expressly disclose a foot-raising mechanism or the material with which the supporting plate is made. Yet, May teaches of a similar supporting plate 166 with first and second components and first and second concave portions on the second component. May further teaches of a leg-raising mechanism. Furthermore, May discloses, “the chair of the invention may be manufactured of conventional materials...the mechanism may be largely made...from steel plate” (col. 2, lines 45-48). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Boycott with a leg-raising mechanism and have material made of conventional materials, as taught by May, to provide a more comfortable and sturdy seat. Note: as disclosed in the present application, the supporting plate can be formed with any material having high strength” (page 7, line 22).

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boycott et al. (5,671,974) in view of Crum (5,135,284) and in further view of May (5,704,686).

Boycott discloses a “furniture coupling system and method” comprising a pair of first supporting members 33 installed on both sides of the chair back, a pair of second supporting members 34 installed below the first supporting members on the chair back and a pair of supporting plates 20, which engage the first and second supporting members. Boycott’s supporting plates 20 can be divided into two components, as seen

below. The first component includes at least one locking hole 22 for being fixed to the chair base 21. The second component includes a first concave portion cooperating with the first supporting member 33 and a second concave portion cooperating with the second supporting member 34. The first concave portion is located at an end opposite to the connection between the first and second component. The second component is located opposite to the first side. Furthermore, the second component includes a second locking hole 44 “for attaching the back 31 to the base 21 of the seating furniture” (col.3, lines 40-41). Crum discloses a mounting bracket 20 having a lower portion 30 “for attaching the mounting bracket 20 to the base 5” and an upstanding link portion 33, “which is tapered toward its upper end” (col.3, lines 30-35). The figures disclose the “tapering” to be greater than 0 degrees and less than 180 degrees between the two components 30 and 33. However, both Boycott and Crum fail to expressly disclose a foot-raising mechanism or the material with which the supporting plate is made. Yet, May teaches of a similar supporting plate 166 with first and second components and first and second concave portions on the second component. May further teaches of a leg-raising mechanism. Furthermore, May discloses, “the chair of the invention may be manufactured of conventional materials...the mechanism may be largely made...from steel plate” (col. 2, lines 45-48). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Boycott and Crum with a leg-raising mechanism and have material made of conventional materials, as taught by May, to provide a more comfortable and sturdy seat. Note: as disclosed in the present application,

Art Unit: 3636

the supporting plate can be formed with any material having high strength" (page 7, line 22).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wieland (6,595,592), Finner et al. (6,488,339), Rogers (6,120,095), Beneker et al. (5,826,9440, Faxon (3,030,146), Zimtbaum (2,146,520) and Kazaoka et al. (DE 3,633,035) all show various features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 703-305-8173. The examiner can normally be reached on Monday-Thursday 6:00-3:30, 2nd Friday 6:00-2:30.

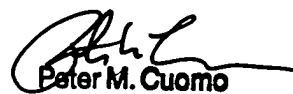
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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August 12, 2004



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